

BUILDING SERVICES DEPARTMENT
OUTLINE OF DEBARMENT PROCESS
Based on City of Houston Ordinance No. 2000-859
February 24, 2003

Recommendation

1. Administrative Official receives a written complaint from a department director, a city official, or an elected official.
2. Administrative Official has thirty (30) days in which to make inquiry to determine whether probable cause exists to believe that wrongful conduct may have been committed.

Investigation

3. Administrative Official notifies complainant that the investigative phase has started.
4. Administrative Official secures written evidence from project management staff involved with person/firm against whom the complaint was made, in the two (2) year period preceding the request for debarment.
5. Administrative Official shall determine if probable cause exists to warrant a hearing. If no cause exists, the Administrative Official shall advise the complainant and the person against whom the complaint was made, and take no further action.

Hearing

6. If probable cause for debarment does exist, the Administrative Official will send a notice to the contractor that a debarment hearing to review the complaint will take place. The written notice will set forth:
 - (a) The wrongful conduct alleged,
 - (b) The date, time, and place of the hearing,
 - (c) That the contractor may be represented by legal counsel, may present evidence, and may cross examine witnesses at the hearing,
 - (d) That the hearing will be reported by a court reporter at city expense, and
 - (e) That the contractor may, in writing, request that the director designate a Private Hearing Official in lieu of a City employee.
7. The Director then appoints a City of Houston employee as the Hearing Official.
8. Should the contractor request the assignment of a private Hearing Official to conduct the hearing, the Director shall assign a Private Hearing Official from a list of persons appointed by the Mayor for this purpose, subject to their availability.

9. The contractor will be required to provide security for the cost of the private Hearing Official's services by posting a cash bond or a surety bond at least five (5) days prior to the commencement of the hearing.
10. If the contractor intends to have legal counsel present at the hearing, the contractor will advise the Hearing Official no less than five (5) days prior to the hearing.
11. The AO will arrange to have a court recorder record the debarment hearing.
12. The Hearing Official will be charged with conduct the evidentiary hearing and to make findings and recommendations to City Council.
13. The Administrative Official will act on behalf of the City to present the charge for debarment before the Hearing Official.
14. If the Hearing Official determines that debarment should not be recommended, he/she shall notify the complainant and the contractor, in writing, and take no further action.
15. If the Hearing Official determines that debarment should be recommended, he/she shall reduce the findings to writing and forward them, along with the recommendation of debarment for a period of time commensurate with the nature of the wrongful conduct, to the Mayor for presentation to City Council.
16. The period for debarment shall be commensurate with the seriousness of the cause or causes thereof, but in no case shall the period exceed two (2) years.
17. Notice of the Hearing Official's determination and the contractor's rights of protest shall be mailed to the contractor within ten (10) days following the completion of the hearing.
18. If debarment is recommended, the contractor may file written exceptions to the Hearing Official's determination with the City Secretary within ten (10) days following the date of issuance of the determination.
19. The City Secretary will forward the received exception to the Mayor and the Hearing Official.
20. After the expiration of the ten (10) day period allowed for written exceptions, the Hearing Official will assist the Mayor make the debarment recommendation to Council.

Debarment by City Council

21. City Council shall consider the matter and render a decision based exclusively upon the Hearing Official's recommendation, the record created at the hearing, and any written exceptions filed with the City Secretary.
22. The City Council may:
 - a. Adopt the recommendation and debar the contractor for the recommended period of time;

- b. Adopt the recommendation with modifications as to the period of debarment, or otherwise;
 - c. Return the recommendation to the Hearing Official for development of further factual evidence if City Council finds the record to be incomplete; or
 - d. Reject the recommendation and take no action against the contractor.
- 23. The decision to debar a contractor becomes final on the day that City Council makes the debarment determination.
 - 24. The City Secretary shall notify the contractor, in writing, of City Council's decision.
 - 25. The City Secretary shall maintain the record of all debarred persons (firms).
 - 26. The City Secretary shall cause the record of debarment to be published on the City's Internet website or otherwise made available to contractors.